

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P. Billing-Medel, *et al.*

Serial No.: 09/049,696

Filed: March 27, 1998

For: REAGENTS AND METHODS USEFUL
FOR DETECTING DISEASES OF THE
GASTROINTESTINAL TRACT

Examiner: J. Martinell

Group Art Unit: 1631

Attorney Docket No.: 6067.US.P1

Date: February 11, 2003

#34
Plunkett
9/11/03

**AMENDMENT, REQUEST AND FEE TO DELETE AN ERRONEOUSLY NAMED
INVENTOR IN A NONPROVISIONAL APPLICATION (37 C.F.R. SECTION
1.48(a))**

Box Issue Fee
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

1. This Amendment and Request To Delete an Erroneously Named Inventor in a NonProvisional Application (hereinafter "Amendment and Request") is to correct the incorrect original naming of an inventor in the Corrected Declaration and Power of Attorney for a United States Patent Application filed May 10, 2000 in connection with the above-identified application.
2. Applicants request that Mark Hayden be deleted as an inventor of the above-identified application. Mr. Hayden was incorrectly named as an inventor.
3. The following documents are attached: (a) A statement from Mr. Hayden that the error in inventorship occurred without deceptive intention on his part; (b) A Corrected Declaration and Power of Attorney for a United States Patent Application by each of the actual inventors as required by 37 C.F.R. Section 1.63; (c) A Written Assent of the Assignee, Abbott Laboratories; and (d) A Declaration of Inventorship and Common Ownership of Claims in Application.
4. Authorization is given to charge the \$130.00 associated with the filing of this Amendment and Request, as well as any additional fees, to Deposit Account Number 01-0025.

5. A duplicate copy of this paper is attached.



23492

ABBOTT LABORATORIES

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Phone: (312) 876-2109

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Respectfully submitted,

Patricia A. Billing-Medel, et al.

Mimi C. Goller

Registration No. 39,046

Attorney for Applicants

A handwritten signature in black ink, appearing to read 'Lisa V. Mueller', written over a horizontal line.

Lisa V. Mueller

Registration No. 38,978

Attorney for Applicants

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 09/049,696

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**DECLARATION OF INVENTORSHIP AND COMMON OWNERSHIP
OF CLAIMS IN APPLICATION**

Box Issue Fee
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This Declaration of Inventorship and Common Ownership of Claims in Application is being submitted concurrently with the enclosed Amendment and Request To Delete an Erroneously Named Inventor in a NonProvisional Application (hereinafter "Amendment and Request").

EXPLANATION OF FACTS:

On March 27, 1998, the above-identified patent application was filed with the USPTO. An unsigned Declaration and Power of Attorney for a United States Patent Application (hereinafter "Unsigned Declaration") was filed with the above-identified application. This Original Unsigned Declaration listed Mark Hayden as an inventor. A Notice to Filing Missing Parts of Application – Filing Date Granted (hereinafter "Notice to File Missing Parts") was mailed on April 8, 1998. The Notice to File Missing Parts indicated that among other things, that the oath or declaration was unexecuted. A response to the Notice to File Missing Parts was mailed on June 8, 1998. After the filing of the above-identified application, Applicants patent counsel determined that Mark Hayden was not a joint inventor on the above-identified application and that Mr. Hayden was incorrectly

listed as a joint inventor on the Unsigned Declaration. The signed Declaration and Power of Attorney for a United States Patent Application (hereinafter "Signed Declaration") mailed with the Response to File Missing Parts on June 8, 1998, did not list Mark Hayden as an inventor.

Applicants patent counsel received a filing receipt in connection with the above-identified application on April 14, 1998. This filing receipt listed Mark Hayden as an inventor. Applicants patent counsel mailed a Request for a Corrected Filing Receipt (hereinafter "Request") on June 9, 1998. The Request stated that there was an error in the area of the "Applicants" and that reference to "Mark Hayden, Ingleside, IL" should be deleted. On July 28, 1998, Applicants patent counsel received a corrected filing receipt. However, this corrected filing receipt still listed Mark Hayden as an inventor. In response to this "Corrected Filing Receipt", Applicants patent counsel filed a "Communication" on August 3, 1998, referencing the Request and asked that the correction requested in the Request be made. On September 2, 1998, Applicants patent counsel received a second Corrected Filing Receipt. Mark Hayden was not listed as an Applicant on this second filing receipt.

An assignment for the above-identified application that was recorded on June 11, 1998 at reel 9247 and frame 0899. The assignors were Patricia A. Billing-Medel, Maurice Cohen, Tracey L. Colpitts, Paula N. Friedman, Michael R. Klass, Lisa Roberts-Rapp, John C. Russell and Stephen D. Stroupe. The assignee was Abbott Laboratories.

In the Office Action mailed on January 4, 2000 in the above-identified application, the Examiner indicated that the Signed Declaration was defective because it did not contain a cross-reference to any related, earlier filed applications. The Examiner pointed out that this was contrary to page 1 of the specification that contained a specific reference to U.S. application serial no. 08/829,754. The Examiner requested a new declaration.

In response to the Office Action, a Corrected Declaration and Power of Attorney for a United States Patent Application (hereinafter "Corrected Declaration") was filed on May 10, 2000. This Corrected Declaration contained the cross-reference to U.S. application serial no. 08/829,754 requested by the Examiner. However, the Corrected Declaration also contained a mistake relating to the inventors. Specifically, the Corrected Declaration

mistakenly listed Mark Hayden as an inventor. The mistake in the Corrected Declaration was discovered upon a review of the above-identified file in preparation for the payment of the issue fee mailed on November 27, 2002 in connection with the above-identified application. The enclosed Amendment and Request seeks to correct this mistake.

OWNERSHIP OF CLAIMS:

The claims of the present application and the claims of the application at the last time the claimed invention was made were commonly owned by one assignee, Abbott Laboratories.



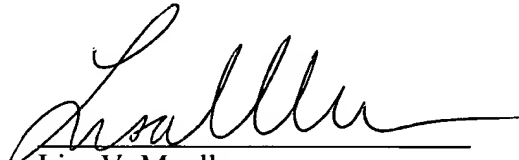
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Respectfully submitted,
Patricia A. Billing-Medel, et al.

Mimi C. Goller
Registration No. 39,046
Attorney for Applicants

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500 West Madison Street
Suite 3800
Chicago, IL 60662-2511
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Fax: (312) 876-2020



Lisa V. Mueller
Registration No. 38,978
Attorney for Applicants

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P. Billing-Medel, *et al.*

Serial No.: 09/049,696

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For: REAGENTS AND METHODS USEFUL
FOR DETECTING DISEASES OF THE
GASTROINTESTINAL TRACT

Examiner: J. Martinell

Group Art Unit: 1631

Attorney Docket No.: 6067.US.P1

Date: February 11, 2003

ASSENT OF ASSIGNEE TO CORRECTION OF INVENTORS

Box Issue Fee
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

1. Assignee: Abbott Laboratories, Abbott Park Road, Abbott Park, IL 60064-6008.
2. Assignment: Recorded on June 11, 1998 at reel 9247 and frame 0899.
3. Assignee hereby assents to the correction of inventorship filed herewith.
4. A "Statement Under 37 C.F.R. Section 3.73(b)" is attached herewith.



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ABBOTT LABORATORIES
Telephone: (847) 935-7550
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Respectfully submitted,

Steven F. Weinstock
Assistant Secretary, Vice President
Chief Patent & Trademark Counsel

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Patricia A. Billing-Medel, et al.Application No./Patent No.: 09/049,696 Filed/Issue Date: March 27, 1998Entitled: Reagents and Methods Useful for Detecting Diseases of the Gastrointestinal TractAbbott Laboratories, a Corporation,
(Name of Assignee) (Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %
- in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 9247, Frame 0899, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2/17/2003

Date

Steven F. Weinstock
Typed or printed name[Signature]
Signature

Assistant Secretary, Vice President, Chief Patent & Trademark Counsel

Title

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P. Billing-Medel, *et al.*

Serial No.: 09/049,696

Filed: March 27, 1998

For: REAGENTS AND METHODS USEFUL
FOR DETECTING DISEASES OF THE
GASTROINTESTINAL TRACT

Examiner: J. Martinell

Group Art Unit: 1631

Attorney Docket No.: 6067.US.P1

Date: February 11, 2003

STATEMENT OF PERSON BEING DELETED AS AN INVENTOR

Box Issue Fee
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Mark Hayden, am to be deleted as an inventor in the above-captioned patent application. My deletion as an inventor occurred without any deceptive intention on my part.

Respectfully submitted,



Mark Hayden

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P. A. Billing-Medel, *et al.*

Serial No.: 09/049,696

Filed: March 27, 1998

For: REAGENTS AND METHODS
USEFUL FOR DETECTING
DISEASES OF THE
GASTROINTESTINAL TRACT

Examiner: J. Kerr

Group Art Unit: 1631

Case No.: 6067.US.P1

**CORRECTED DECLARATION AND POWER OF ATTORNEY
FOR A UNITED STATES PATENT APPLICATION**

As a below-named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe that I am an original and first and joint inventor of the subject matter of the invention entitled REAGENTS AND METHODS USEFUL FOR DETECTING DISEASES OF THE GASTROINTESTINAL TRACT, which is claimed and for which a patent is sought in the above identified patent application filed on March 27, 1998, and accorded Application No. 09/049,696.

I hereby state that I have reviewed and understand the contents of the above-mentioned specification, including the claims.

I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

Claim to benefit of foreign application(s):

I hereby claim foreign priority benefits under 35 U.S.C. §119 for the following foreign application(s) for patent or inventor's certificate:

NONE

The following foreign applications for patent or inventor's certificate have a filing date earlier than the filing date of the application(s) identified above:

NONE

Claim to benefit of earlier U.S. application(s):

I hereby claim the benefit under 35 U.S.C. §120 of the following earlier-filed United States patent application(s):

08/829,754 filed 03/31/97 - abandoned

Insofar as the subject matter of each of the claims of this/these application(s) is not disclosed in the prior U.S. applications in the manner required by 35 U.S.C. §112, first paragraph, I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. which came into existence between the filing date(s) of the prior applications and the national or PCT filing date of this application.

I hereby appoint the following Attorneys and/or agents to prosecute this application and any continuation or divisional applications based hereon, and to transact all business in the Patent and Trademark Office connected therewith:

Regina M. Anderson, Reg. No. 35,820
Cheryl L. Becker, Reg. No. 35,441
Thomas D. Brainard, Reg. No. 32,459
Dianne Casuto, Reg. No. 40,943
Portia Chen, Reg. No. 44,075
Patricia Coleman James, Reg. No. 37,155
John D. Conway, Reg. No. 39,150
Michael R. Crabb, Reg. No. 37,298
Steven R. Crowley, Reg. No. 31,604
B. Gregory Donner, Reg. No. 34,580
Kalim S. Fuzail, Reg. No. 45,805
Mimi C. Goller, Reg. No. 39,046
William E. Murray, Reg. No. 30,303
Lawrence S. Pope, Reg. No. 26,791

Nicholas A. Poulos, Reg. No. 30,309
Christopher P. Rogers, Reg. No. 36,334
David J. Schodin, Reg. No. 41,294
Gregory W. Steele, Reg. No. 33,796
Joseph A. Twarowski, Reg. No. 42,191
Beth A. Vrioni, Reg. No. 39,869
Michael J. Ward, Reg. No. 37,960
Allen W. Wark, Reg. No. 30,503
David L. Weinstein, Reg. No. 28,128
Steven F. Weinstock, Reg. No. 30,117
William J. Winter, Reg. No. 36,060
Brian R. Woodworth, Reg. No. 33,137
Paul D. Yasger, Reg. No. 37,477
Kenneth P. Zwicker, Reg. No. 43,310

Send Correspondence to: Steven F. Weinstock
Abbott Laboratories
D-377/AP6A
100 Abbott Park Road
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Name: (first, middle, last): Patricia A. Billing-Medel
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Residence: Grayslake, IL 60030
Citizenship: United States of America

Name: (first, middle, last): Maurice Cohen
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Residence: Highland Park, IL 60035
Citizenship: United States of America

Name: (first, middle, last): Tracey L. Colpitts
Post Office Address: 34365 North Circle Drive; Round Lake, IL 60073
Residence: Round Lake, IL 60073
Citizenship: Canada

Name: (first, middle, last): Paula N. Friedman
Post Office Address: 607 Hackberry Court East, Buffalo Grove, IL 60089
Residence: Deerfield, IL 60015
Citizenship: United States of America

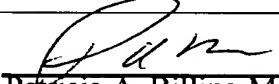
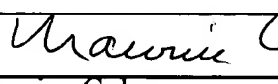
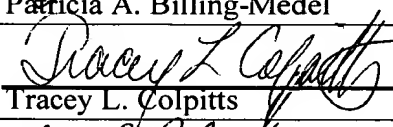
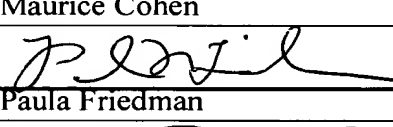


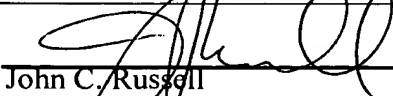
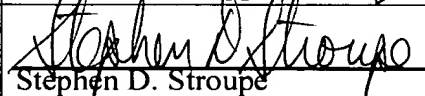
Name: (first, middle, last): Michael R. Klass
Post Office Address: 1108 Kildare Avenue; Libertyville, IL 60048
Residence: Libertyville, IL 60048
Citizenship: United States of America

Name: (first, middle, last): Lisa Roberts-Rapp
Post Office Address: 582 Kim Court; Gurnee, IL 60031
Residence: Gurnee, IL 60031
Citizenship: United States of America

Name: (first, middle, last): John C. Russell
Post Office Address: 8275 64th Court; Pleasant Prairie, WI 53158
Residence: Pleasant Prairie, WI 53158
Citizenship: United States of America

Name: (first, middle, last): Stephen D. Stroupe
Post Office Address: 945 Wilshire Drive; Libertyville, IL 60048
Residence: Libertyville, IL 60048
Citizenship: United States of America

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made herein were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

 Patricia A. Billing-Medel Date 2-11-03	 Maurice Cohen Date 2/11/03
 Tracey L. Colpitts Date 2/10/03	 Paula Friedman Date 2/19/03
 Michael R. Klass Date 2/10/03	 Lisa Roberts-Rapp Date 2-10-03
 John C. Russell Date 2/11/03	 Stephen D. Stroupe Date 2/11/03